

FEDERAL GOVERNMENT UNDER THE FEDERAL POISON PREVENTION PACKAGING ACT AUTOMATICALLY IS ADOPTED AS A RULE OR REGULATION OF THIS STATE.

(2) THE SECRETARY MAY ADOPT RULES AND REGULATIONS TO SET STANDARDS FOR LABELING AND CHILD RESISTANT PACKAGING OF ANY HOUSEHOLD SUBSTANCE, IF THE SECRETARY FINDS THAT:

(I) THE POTENTIAL HAZARD TO CHILDREN FROM ACCESS TO THE HOUSEHOLD SUBSTANCE REQUIRES CHILD RESISTANT PACKAGING TO PROTECT CHILDREN FROM SERIOUS PERSONAL INJURY OR SERIOUS ILLNESS AS THE RESULT OF HANDLING, USING, OR INGESTING THE HOUSEHOLD SUBSTANCE; AND

(II) CHILD RESISTANT PACKAGING OF THE HOUSEHOLD SUBSTANCE IS TECHNICALLY FEASIBLE, PRACTICABLE, AND APPROPRIATE.

(B) CONFORMITY TO FEDERAL RULES AND REGULATIONS.

SO FAR AS PRACTICABLE, THE SECRETARY MAY CONFORM ANY RULE OR REGULATION ADOPTED UNDER THIS SECTION TO THE RULES AND REGULATIONS ADOPTED UNDER THE FEDERAL POISON PREVENTION PACKAGING ACT.

(C) PROHIBITING PACKAGING ATTRACTIVE TO CHILDREN.

IF, UNDER RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE, A DANGEROUS HOUSEHOLD SUBSTANCE IS REQUIRED TO MEET CHILD RESISTANT PACKAGING STANDARDS, THE SECRETARY, BY RULE OR REGULATION, ALSO MAY PROHIBIT ITS BEING PACKAGED IN A MANNER THAT THE SECRETARY FINDS IS UNNECESSARILY ATTRACTIVE TO CHILDREN.

(D) LIMITATIONS.

THE STANDARDS SET UNDER THIS SUBTITLE FOR CHILD RESISTANT PACKAGING OF A DANGEROUS HOUSEHOLD SUBSTANCE MAY NOT REQUIRE SPECIFIC:

- (1) PACKAGING DESIGNS;
- (2) PRODUCT CONTENT;
- (3) PACKAGE QUANTITY; OR

(4) EXCEPT AS PROVIDED IN § 5-310 OF THIS SUBTITLE, LABELING.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 43, § 889(a) and (d) and § 391(a) and the reference to the automatic adoption of federal regulations in the first sentence of (c).